

REMARKS:

Entry of the foregoing and reexamination and reconsideration of the subject application, as amended, and in light of the remarks that follow, are respectfully requested.

Claims 84, 86-92 and 94-101 are pending in the application. Claim 84 is objected to as lacking sufficient clarity. Applicants have amended claim 84 as suggested by the Examiner in order to overcome this objection. Claim 91 is rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. By the present amendment, Applicants amended claim 91 to more particularly point out the scope of the subject matter claimed. Thus the § 112 rejection of claim 91 should be withdrawn.

Claims 84, 86-88 and 90-92 are rejected under 35 U.S.C. § 102(e) as purportedly anticipated by U.S. Patent No. 6,774,871 to Birdwell (the "Birdwell Patent"). Claims 84 and 90-91 are rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 6,317,190 to Winarski et al. (the "Winarski Patent").

Claims 86-88 are also rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over the Winarski Patent in view of the Birdwell Patent. Finally, claims 84 and 89-92 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Japanese document 62-209412 (the "Japanese Document") in view of U.S. Patent No. 4,601,545 to Kern (the "Kern Patent").

By the present amendment, claims 84 and 91 are amended. In addition, new claims 94-101 are added. Applicants respectfully submit that the present amendments and new claims contain no new subject matter, and are supported by the original specification. Applicants respectfully request reconsideration of the pending claims in view of the foregoing amendments and the remarks that follow, and submit that all are in condition for allowance.

I. THE CLAIMS DEFINE PATENTABLE SUBJECT MATTER

A. Rejections under 35 U.S.C. § 102(e) in light of the Birdwell Patent

In the present Office Action, Claims 84, 86-88 and 90-92 are rejected under 35 U.S.C. § 102(e) as purportedly anticipated by the Birdwell Patent. Applicants respectfully traverse these rejections and assert that the claims are in condition for allowance.

Amended claims 84 and 91 recite “wherein the electro-active lens is capable of being edged.” The Birdwell Patent does not teach how an electro-active lens may be edged. In fact, the Birdwell Patent does not disclose edging the lens at all.

Therefore, Applicants respectfully submit that claims 84 and 91 are in condition for allowance, and that the rejections of claims 84 and 91 should be withdrawn. In addition, claims 86-88, 90 and 92 that variously depend from claim 84 and 91, are also in condition for allowance and these rejections should be withdrawn as well.

B. Rejections under 35 U.S.C. § 102(e) in view of the Winarski Patent

In the present Office Action, Claims 84, 90-91 are rejected under 35 U.S.C. § 102(e) as purportedly anticipated by the Winarski Patent. Applicants respectfully traverse these rejections and assert that the claims are in condition for allowance.

Amended claims 84 and 91 recite “wherein the electro-active lens is capable of being edged.” The Winarski Patent does not teach how an electro-active lens may be edged. In fact, the Winarski Patent does not disclose edging the lens at all.

Therefore, Applicants respectfully submit that claims 84 and 91 are in condition for allowance, and that the rejections of claims 84 and 91 should be withdrawn. In addition, claim 91 that depends from claim 90, is also in condition for allowance and this rejection should be withdrawn as well.

C. Rejections under 35 U.S.C. § 103(a) over the Winarski Patent in view of the Birdwell Patent

Claims 86-88 are also rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over the Winarski Patent in view of the Birdwell Patent. Applicants respectfully traverse these rejections and asserts that the claims are in condition for allowance.

Claims 86-88 depend upon amended claim 84 which recites “wherein the electro-active lens is capable of being edged.” Neither the Winarski Patent nor the Birdwell Patent disclose the edging of a lens, nor how to edge an electro-active lens. Thus, the elements of claims 86-88 are not obvious over the combination of these two references.

Therefore, Applicants respectfully submit that claims 86-88 are in condition for allowance, and that the rejection of claims 86-88 should be withdrawn.

D. Rejections under 35 U.S.C. § 103(a) over the Japanese Document in view of the Kern Patent

Finally, claims 84 and 89-92 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over the Japanese Document in view of the Kern Patent. Applicants respectfully traverse these rejections and assert that the claims are in condition for allowance.

Amended claims 84 and 91 recite “wherein the electro-active lens is capable of being edged.” Neither the Japanese Document nor the Kern Patent disclose the edging of a lens, nor how to edge an electro-active lens. Thus, the elements of claims 84 and 91 are not obvious over the combination of these two references.

Therefore, Applicants respectfully submit that claims 84 and 91 are in condition for allowance, and that the rejections of claims 84 and 91 should be withdrawn. In addition, claims 89-90 and 92 that variously depend from claim 84 and 91, are also in condition for allowance and these rejections should be withdrawn as well.

CONCLUSION:

Applicants respectfully submit that all pending claims are in condition for allowance. Should the Examiner determine that any further action is necessary to place the claims in condition for allowance, the Examiner is kindly requested (and encouraged) to telephone the Applicants’ undersigned representative at the number listed below.

Respectfully submitted,
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